

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROBERT MITCHELL,

Plaintiff,

v.

CASE NO. 05-73698  
HON. LAWRENCE P. ZATKOFF

COUNTY OF WAYNE,  
KAREN KREYGER, and  
HAROLD CURETON,

Defendants.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM**

Plaintiff filed his Complaint on September 27, 2005. Plaintiff's Complaint contains the following two counts:

Count I      Violation of the Family Medical Leave Act; and

Count II      Violation of the Michigan Persons with Disabilities Civil Rights Act

*See* Complaint.

The Court has subject matter jurisdiction over Count I, because it arises under federal law. *See* 28 U.S.C. § 1331. Count II, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D.

Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's claim based on the Michigan Persons with Disabilities Civil Rights Act (Count II) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claim (Count I).

IT IS SO ORDERED.

Date: October 14, 2005

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

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